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Letter dated 27 June 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached addendum to the report from Oman submitted pursuant to paragraph 6 of resolution 1373 (2001) (S/2002/87) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council (S/2002/87/Add.1).

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-45490 (E) 170702 180702

Annex

Note verbale dated 18 June 2002 from the Permanent Mission of Oman to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Representative of the Sultanate of Oman to the United Nations presents his compliments to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and has the honour to transmit herewith the final report of the Sultanate of Oman to the Counter-Terrorism Committee, submitted pursuant to paragraph 6 of that resolution (see enclosure).

Enclosure

[Original: Arabic]

Report of Oman submitted to the Counter-Terrorism Committee established pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001

Introduction

In keeping with its position of condemning acts of terrorism in all its forms and its commitment to the objectives of the United Nations relating to the maintenance of international peace and security, the Sultanate of Oman reaffirms its support for international efforts aimed at fighting terrorism through the adoption of effective measures against it.

In submitting this report to the Committee, Oman considers it important to affirm from the outset the following principles and premises:

The Sultanate reiterates its condemnation of all forms of terrorism and reasserts its firm commitment to international legitimacy and the implementation of the provisions of Security Council resolution 1373 (2001), adopted on 28 September 2001, and other relevant international resolutions. It expresses once again its readiness to cooperate with the United Nations in combating international terrorism in accordance with the rules of international law and the basic axioms of national sovereignty, foremost among which is the distinction between terrorism, on the one hand, and resistance to foreign occupation and the constant striving to realize the principles of right and justice, on the other.

In preparing this report, Oman has based itself, with regard to the distinction between terrorism and the legitimate right of peoples to resist foreign occupation, on the provisions of the relevant international resolutions, the Convention of the Organization of the Islamic Conference on Combating International Terrorism of 1999 and the Arab Convention for the Suppression of Terrorism of 1998, as well as other international conventions on terrorism to which Oman has acceded and the provisions of Security Council resolution 1333 (2000) of 19 December 2000.

Bearing in mind the above concepts and remarks, Oman is pleased to submit to the Committee its full responses to the questions contained in the operative paragraphs of Security Council resolution 1373 (2001) as well as some comments relating to specific questions raised by the Counter-Terrorism Committee, as follows:

Operative paragraph 1

Subparagraph (a) — What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1 (b) to (d)?

Response

- Supervision of the operations and activities of commercial banks and money-changing shops by the Central Bank of Oman and the requirement that they report any suspicious accounts or illegal transactions in order that the competent authorities may deal with any cases discovered, pursuant to article 41 of the Narcotics and Psychotropic Substances Control Act and articles 4, 6 and 9 of the Money-laundering Act of the Sultanate of Oman (see annex*);
- Ratification by Oman of the Convention of the Organization of the Islamic Conference on Combating International Terrorism, pursuant to royal decree No. 22/2002, articles 3 and 4 of which also contain the related regulatory procedures (see annex);
- Ratification by Oman of the Arab Convention for the Suppression of Terrorism, pursuant to royal decree No. 55/99, articles 3 and 4 of which also contain the related regulatory procedures (see annex);
- The prohibition by Oman, under the legislation in force, against the creation or establishment of any agency, association, political party or organization that opposes the fundamental social or economic regulations or systems in force in other countries (article 134 of the Omani Penal Code) (see annex);
- The freezing of accounts and sources of funds related to terrorist activities or derived from criminal acts, under the laws in force in that regard (article 13 of the Money-laundering Act) (see annex);
- The promulgation of the Money-laundering Act, pursuant to royal decree No. 34/2002;
- Coordination with the States members of the Gulf Cooperation Council on the drafting of a strategy against extremism accompanied by terrorism.

Subparagraph (b) — What are the offences and penalties in your country with respect to the activities listed in this subparagraph?

Response

Acts of terrorism are considered crimes under article 132 of the Omani Penal Code (see annex).

* The annexes are on file with the Secretariat and are available for consultation.

Subparagraph (c) — What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.

Response

Article 41 of the Narcotics and Psychotropic Substances Control Act (see annex) requires banks and other financial institutions to report to the competent authorities and the Central Bank of Oman on any questionable money operations determined by the Central Bank. Under the same article, banks and other financial institutions can also be charged, on an order from the Court of Appeal, with furnishing any additional information related to suspicious money operations, the information so requested being submitted through the Central Bank.

Article 13 of the Money-laundering Act, moreover, reaffirms the rule of article 41 of the said Narcotics and Psychotropic Substances Control Act (see annex).

Furthermore, there are laws providing for the confiscation of funds proven to be derived from unlawful acts and used for perpetrating terrorist acts, even if they have been converted to or replaced with other assets or mixed with assets obtained from legitimate sources or if their ownership has been transferred to another person, without prejudice to the rights of innocent third parties, as provided in article 60 of the Narcotics and Psychotropic Substances Control Act and in accordance with the provisions of articles 52, 53 and 54 of the Omani Penal Code (see annex).

It should be pointed out, however, that there are no examples of measures taken in this regard, inasmuch as there have been no cases requiring such measures.

Subparagraph (d) — What measures exist to prohibit the activities listed in this subparagraph?

Response

Numerous measures have been taken to prohibit the activities mentioned in this subparagraph, such as the following:

- Articles 93, 95 and 96 of the Omani Penal Code criminalize those activities and contain measures for their prevention (see annex);
- Article 3 of the Convention of the Organization of the Islamic Conference on Combating International Terrorism and article 3 of the Arab Convention for the Suppression of Terrorism also contain provisions regulating such aspects and ensuring action with respect to them (see annex);
- Measures have been taken by the banking and finance sector and the insurance sector to fight crime connected with the financing of terrorism and terrorist operations and organizations. Such measures are aimed at transparency of financial transactions and the prevention of the misuse of banking facilities for purposes detrimental to security. Those measures include the following: Ministry of Commerce and Industry circular No. 26/2001 of 31 December 2001, issued to insurance companies; Capital Market Authority circular No. 38/2001 of 30 December 2001, issued to companies dealing in securities; Central Bank of Oman circular No. BDD/CBS/CB/2001/2898 of 27 October 2001. In addition, the 40 recommendations issued by the Financial Action Task

Force on Money-laundering (FATF), concerning the measures to be taken in that regard, have been circulated to the relevant agencies in Oman (see annex).

Operative paragraph 2

Subparagraph (a) — What legislation or other measures are in place to give effect to this subparagraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

Response

A number of acts and activities that may be classified as terrorist acts are criminalized by articles 131, 132 and 134 of the Omani Penal Code, article 31 of the Alien Residence Law and article 28 of the Weapons and Ammunition Law, as well as under the Comprehensive Security Agreement among the States of the Gulf Cooperation Council, ratified in article 1 of royal decree No. 11/95 (see annex).

Subparagraph (b) — What other steps are being taken to prevent the commission of terrorist acts, and in particular, what early warning mechanisms exist to allow exchange of information with other States?

Response

Article 3 of the Convention of the Organization of the Islamic Conference on Combating International Terrorism and article 3 of the Arab Convention for the Suppression of Terrorism both include a series of measures for the prevention and suppression of terrorist crimes (see annex).

Article 4 of each of those Conventions provides for areas of cooperation between the contracting States for the prevention and suppression of terrorist crimes, including the exchange of information (see annex).

Oman exchanges information relating to security issues with various countries concerned throughout the world with a view to the prevention of terrorist acts both in Oman and in those countries.

As a member of the International Criminal Police Organization (Interpol), Oman engages in exchanges of information on international criminals and persons sought or prosecuted by other States, assisting in their arrest in the event that they enter Oman. Moreover, Oman is party to a number of relevant agreements (the Comprehensive Security Agreement among the States of the Gulf Cooperation Council, the Riyadh Convention on Judicial Cooperation, a memorandum of understanding with the Republic of India), which together contain a number of provisions aimed at crime prevention through the reporting of any information possessed by any of the States parties concerning any criminal operations carried out or being prepared either within or outside the territory of those States.

Subparagraph (c) — What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this subparagraph?

Response

The legislation in force regulates this question, inasmuch as it calls for the deportation of the types of individuals referred to in the subparagraph cited above, as follows:

- Article 31 of the Alien Residence Law authorizes the Inspector General of Police and Customs to issue decisions for the administrative deportation of aliens in cases where the conditions for such action are met; moreover, article 48 of the Omani Penal Code requires a judgement calling for the expulsion of an alien who has been convicted in accordance with certain criteria (see annex);
- Judgements handed down by the courts comprise both deportation and other criminal sentences;
- Under article 97 of the Omani Penal Code, anyone who conceals a person or assists him in disappearing after learning that that person has committed a crime is punishable and is deemed a principal actor in a separate crime (see annex);
- Article 3 of the Convention of the Organization of the Islamic Conference on Combating International Terrorism and article 3 of the Arab Convention for the Suppression of Terrorism contain references to this question (see annex);
- The border agreements signed between Oman and a number of neighbouring States deal with aspects relating to the prevention of infiltration and smuggling and other issues.

Subparagraph (d) — What legislation or procedures exist to prevent terrorists acting from your territory against other States or citizens? It would be helpful if States supplied examples of any relevant action taken.

Response

The legislation to prevent terrorists from acting against other States or citizens is as follows:

- Article 149 of the Omani Penal Code (see annex);
- Article 31 of the Alien Residence Law (see annex);
- Articles 3 and 4 of both the Convention of the Organization of the Islamic Conference on Combating International Terrorism and the Arab Convention for the Suppression of Terrorism both deal with the questions referred to in the subparagraph in question (see annex).

It should be mentioned that no examples of action taken in this regard exist.

Subparagraph (e) — What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.

Response

National legislation provides that any person who participates in the financing, arrangement, preparation, perpetration or supporting of terrorist acts shall be brought to justice and that such acts constitute criminal offences. This is evidenced by the fact that article 132 of the Omani Penal Code, referred to above, deals with this issue and provides more severe penalties for the perpetration of terrorist acts, ranging from seven years' to life imprisonment or even execution, owing to the legislator's realization that such acts constitute serious criminal offences.

Inasmuch as, most fortunately, no terrorist acts have taken place to date in Oman, there are no examples of convictions or judgements handed down in this regard.

Subparagraph (f) — What procedures and mechanisms are in place to assist other States? Please provide any available details of how these have been used in practice.

Response

Information is exchanged with various countries within the framework of Interpol. This reflects the utmost assistance in the area of investigations or criminal proceedings, facilitating legal procedures.

Apart from what is provided in the Convention of the Organization of the Islamic Conference on Combating International Terrorism and the Arab Convention for the Suppression of Terrorism, mentioned above, cooperation takes place with different countries in the area of exchange and forwarding of information, which naturally leads to precautionary measures to prevent the occurrence of any criminal acts.

Subparagraph (g) — How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc.?

Response

The prevention of the movement of terrorists and their entry into the country is achieved by means of security patrols conducted by aircraft, vehicles or Coast Guard boats. The purpose of this is to forestall any infiltration into the country. Moreover, patrols are intensified and control procedures are stepped up whenever conditions so require.

Oman uses a machine-read passport system, which renders falsification difficult.

Land, sea and air exit/entry points are connected by means of a computerized system which makes it possible to check the identity of persons entering and leaving

the country and consequently to detect and deal with any infiltration or smuggling activities.

A computer network connects the Directorate General of Passports and Residence, which is the authority in charge of issuing visas for entry into Oman, and Oman's various missions outside the country, thus making it possible to ensure, with respect to visa applicants, that no security restrictions exist that would constitute grounds for their being denied entry.

Relevant information is exchanged with other States under agreements concluded between those States and Oman.

Articles 199, 200 and 201 of the Omani Penal Code, article 16 of the Omani Passport Law and article 15 of the Identity Card Law make the falsification of documents a criminal act and provide appropriate penalties in that regard (see annex).

Operative paragraph 3

Subparagraph (a) — What steps have been taken to intensify and accelerate the exchange of information in the areas indicated in this subparagraph?

Response

In view of the major role of precautionary measures in preventing criminal acts in general, including terrorist acts, the considerable effectiveness demonstrated by the exchange of relevant information in that regard, and the development of new methods that have come to be used by terrorist groups, Oman has taken numerous steps to intensify the exchange of information, including the following:

- The promotion of cooperation and coordination with States members of Interpol;
- The exchange of information between Oman and various countries in their common interest within the framework of bilateral and international agreements and with the requisite speed within that framework;
- Implementation of the provisions of article 4 of both the Convention of the Organization of the Islamic Conference on Combating International Terrorism and the Arab Convention for the Suppression of Terrorism and article 22 of the Comprehensive Security Agreement among the States of the Gulf Cooperation Council concerning the exchange of information among the contracting parties (see annex).

Subparagraph (b) — What steps have been taken to exchange information and cooperate in the areas indicated in this subparagraph?

Response

The reply given under subparagraph 3 (a) of the resolution applies here as well.

Subparagraph (c) — What steps have been taken to cooperate in the areas indicated in this subparagraph?

Response

Oman, being cognizant of the extreme importance of cooperation in the field of prevention and suppression of terrorist attacks and the adoption of appropriate measures against their perpetrators, has made every effort to develop and promote such cooperation through various arrangements and the signing of bilateral and multilateral agreements.

By way of confirmation of this, Oman is a party to 9 out of a total of 12 international conventions relating to the fight against international terrorism. The instruments to which it has acceded are as follows:

- Convention for the Suppression of Unlawful Seizure of Aircraft of 1970;
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971;
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 October 1988;
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973;
- International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979;
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, signed at Rome on 10 March 1988;
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, signed at Rome on 10 March 1988;
- Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963;
- Montreal Convention on the Marking of Plastic Explosives for the Purpose of Detection of 1991.

Moreover, Oman is a party to the 1999 Convention of the Organization of the Islamic Conference on Combating International Terrorism, which it ratified by royal decree No. 22/2002 of 3 March 2002 and most of whose provisions were derived from the 1998 Arab Convention for the Suppression of Terrorism, ratified by royal decree No. 55/99. In addition, as mentioned, the Arabian Gulf States are moving in the direction of establishing a strategy against extremism accompanied by terrorism.

Subparagraph (d) — What are your Government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this subparagraph?

Response

The competent authorities in Oman are currently intent on studying the following Conventions:

- Convention on the Physical Protection of Nuclear Materials of 1980;
- International Convention for the Suppression of Terrorist Bombings of 1997;
- International Convention for the Suppression of the Financing of Terrorism of 1999.

Subparagraph (e) — Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this subparagraph.

Response

For the response under this subparagraph, the reader is referred to the responses given under subparagraphs 3 (c) and (d).

Subparagraph (f) — What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status. Please supply examples of any relevant cases.

Response

Articles 24 to 27 of the Alien Residence Law regulate the various aspects of political asylum (see annex).

According to those provisions, the right of political asylum is granted on political grounds and in accordance with specific criteria. Moreover, persons granted that right are not permitted to engage in any political activity during their residence in the country. The mechanisms used to ensure that asylum seekers have not participated in terrorist activities involve the conducting of inquiries and investigations concerning them by recognized means and methods. No examples of relevant cases exist.

Subparagraph (g) — What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognized as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.

Response

The Alien Residence Law clarifies the various aspects of the granting of the right of political asylum, the related criteria and the waiver thereof, as indicated above.

With regard to administrative procedures for preventing the abuse of refugee status by terrorists, owing to the sensitive status of political refugees in the host country and the resulting need to ensure their protection, the movements of such

persons are subject to certain procedures and arrangements that curtail the possibility of such abuse by terrorists.

Under the Alien Residence Law refugee status is granted only to politicians. Moreover, persons granted that right are not permitted to engage in any political activity during their residence in the country, and the commitments that this entails for such persons are likely to reduce considerably the possibility that non-political grounds might be invoked as a basis for requests for the extradition of such refugees.